

REMARKS

On 25 April 2005, Examiner Shiao telephoned Applicants' representative and indicated that the present amendment of claim 10 would place this application into condition for allowance. Specifically, claim 10 is amended to provide express antecedent basis for claim 4 and to provide an upper limit for the number of carbon atoms in the alkoxycarbonyl substituents. The Examiner confirmed, in a communication mailed on May 3, 2005, that claim 10 should be amended to recite "a catalyst of formula (II), wherein Rx is a hydrocarbon group having five to twenty carbon atoms,, optionally comprising a metallic compound". No new matter is introduced by this Amendment. With this Amendment, claims 4 and 10-14 remain pending in the application.

OBVIOUSNESS DOUBLE PATENTING

Claim 4 was rejected on the ground of obviousness-type double patenting over claims 4 and 7-9 of US 6,232,258 B1. Examiner Shiao indicated that based upon Applicants' arguments this ground of rejection does not apply.

FAILURE TO DEFINE INVENTION

Claim 10 was rejected under the second paragraph of 35 U.S.C. §112 as failing to define the invention properly. The Examiner had previously


pointed out that claim 10 describes a catalyst compound which can be used in the presence of promoters (or "co-catalysts"). This feature of the present invention is discussed in detail on pages 21-28 of the specification, and claim 4 herein expressly recites an instance of this aspect of the present invention. The Examiner now agrees that this does not render the claims herein indefinite or otherwise cause them to fail to satisfy 35 U.S.C. §112.

Should there be any outstanding issues that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Raymond C. Stewart, #21,066

RCS/RG *RG*
3273-0153P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000